

SIKKIM

GOVERNMENT **GAZETTE**
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**GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK**

No. 10/LD/17

Dated: 5th June, 2017

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 27th day of May, 2017 is hereby published for general information :-

**THE SIKKIM PANCHAYAT (AMENDMENT) ACT, 2017
(ACT NO. 10 OF 2017)**

AN

ACT

further to amend the Sikkim Panchayat Act, 1993.

BE it enacted by the Legislature of Sikkim in the Sixty-eighth Year of the Republic of India as follows:-

Short title and commencement

1. (1). This Act may be called the Sikkim Panchayat (Amendment) Act, 2017.
- (2). It shall come into force on the date of its publication in the Official Gazette.

Amendment of section 11

2. In the Sikkim Panchayat Act, 1993 (hereinafter referred to as the "Principal Act"), in section 11, for clauses (a), (b) & (c) and the entries relating thereto, the following clauses shall be substituted namely:-
 - (a) to identify and approve the plans, programmes and projects for social and economic development in order to give priority from out of the plans, programmes and projects approved by the Ward Sabha before such plans, programmes and projects are taken up for implementation by the Village Panchayat;

- (b) to lay down the principles for identification of the schemes and their priority for economic development of the village;
- (c) to identify or selection of persons as beneficiaries under the poverty alleviation and other programmes, in order of priority, from amongst the local persons by the various Ward Sabha falling under its jurisdiction;
- (d) to ensure proper utilization and disbursement of funds or assets to the beneficiaries;
- (e) to ascertain and certify the proper utilization of funds for plans, programmes and projects by the Gram Panchayats referred to in clause (a);
- (f) to exercise social audit in respect of plots allotted to the weaker sections of the society;
- (g) to mobilize voluntary labour and contribution in kind or cash or both for the community welfare programmes;
- (h) to promote literacy, education, health and nutrition;
- (i) to promote unity and harmony among all sections of the society in such area;
- (j) to seek clarifications from the Chairperson and members of the Gram Panchayat about any particular activity, scheme, income and expenditure;
- (k) to lease out any minor water body within a specified area for the purpose of fishing and other commercial purposes;
- (l) to regulate the use of water of rivers, streams, minor water bodies for irrigation purposes;
- (m) to exercise the right of management over minor forest produce;
- (n) to exercise control over local plans and resources for such plans including tribal sub-plan;
- (o) to manage Village Markets;
- (p) to invoke the right to be consulted before making the acquisition of land in the area for development projects and before resettling or rehabilitating persons affected by such projects in the area;
- (q) to consider and approve the recommendations made by each Ward Sabha in the area of such Gram Panchayat;
- (r) to consider the Annual Budget of the Gram Panchayat, and make recommendations thereon;
- (s) to consider the report of audit and accounts of the Gram Panchayat;
- (t) to ensure active participation of people in implementation, maintenance and equitable distribution of benefits of development schemes in the Village;

- (u) to promote general awareness amongst the people;
- (v) to exercise control through the Gram Panchayat over institutions and functionaries in social sectors transferred to or appointed by that Panchayat;
- (w) to manage natural resources including land, water and forests within the area of the Village in accordance with provisions of the Constitution and other relevant laws for the time being in force;
- (x) to supervise sanitation, conservation and prevention and abatement of nuisance;
- (y) to supervise the construction, repair and maintenance of public wells, ponds and tanks and supply of water for domestic animals;
- (z) to supervise the construction and maintenance of sources of water for bathing and washing and supply of water for domestic animals;
- (aa) to supervise the construction and maintenance of Village roads, culverts, bridges, jhoras and other works and building of public utility;
- (bb) to supervise the construction, maintenance and clearing of public street, latrines, drains, tanks, wells and other public places;
- (cc) filling in of disused wells, unsanitary ponds, pools ditches and pits and conversion of step wells into sanitary wells;
- (dd) to supervise the lighting of Village streets and other public places;
- (ee) to assist in removal of hindrances and projections to public streets and places as well as the spaces which are not private properties or which are open for public use whether such places are vested in the Panchayat or belong to the State Government;
- (ff) to supervise recreations, games-shows, shops, eating houses and vendors of beverage, sweets, fruits, milk and similar other articles;
- (gg) to supervise the construction of houses, cess-pits urinals, drains and flush latrines;
- (hh) to manage public land, extension and development of Village site;
- (ii) to dispose off corpses, carcasses (including those unclaimed) and other obnoxious articles in such a way that the same may not be injurious to public health;
- (jj) to earmark places for dumping refuse;
- (kk) to regulate sale and preservation of meat;

- (ll) to maintain Gram Sabha-properties;
- (mm) to establish and manage cattle pounds, maintenance of records regarding cattle, maintaining grazing grounds and other lands lying within control of the Gram Sabha;
- (nn) to take care of ancient and historical monuments other than those which have been declared to be of national importance;
- (oo) to maintain the records of births, deaths and marriages;
- (pp) to assist in census or other surveys done by the Centre, State or other organizations constituted lawfully;
- (qq) to provide assistance in control of contagious diseases, vaccination work etc.;
- (rr) to help the differently abled and destitute;
- (ss) to strengthen youth welfare, family welfare and sports;
- (tt) to encourage afforestation and conservation of village forestry;
- (uu) to abolish social evils like dowry, child marriage & drug abuse etc.;
- (vv) to prepare schemes for basic amenities and making arrangements thereof;
- (ww) to execute work assigned by District Panchayat;
- (xx) to execute and supervise development schemes and construction work as per specified schemes within the Gram Sabha area;
- (yy) to control and monitor beneficiary oriented schemes and programmes;
- (zz) to exercise control over institutions and functionaries in all social sectors transferred to or appointed by the Gram Sabha;
- (aaa) to disseminate information regarding development land welfare activities;
- (bbb) to participate in and canvassing of programmes of Health and Literacy and such other time bound developmental programmes;
- (ccc) to collect essential socio-economic data;
- (ddd) to provide feedback on the performance of development programmes;
- (eee) to resort to moral sanction to pay taxes, repayment of loans, promote environmental cleanliness and to maintain social harmony;
- (fff) to mobilize local resources to augment resources of the Gram Panchayat;
- (ggg) to supervise development activities as volunteer teams;

Insertion of new
section 11A

- (hhh) to make arrangements for reporting urgently incidence of epidemics, natural calamities, etc.
- (iii) to exercise and discharge of powers and functions assigned by the State Government under this Act or any other law in force in the State for the time being."
3. In the Principal Act, after section 11, the following section shall be inserted namely:-
- "11 A Function of Ward Sabha":** The function of the Ward Sabha shall be:-
- (a) to render assistance to the Gram Panchayat in collection and compilation of details required for formulation of development plans;
 - (b) to generate proposals and fixing priority of development schemes and programmes to be implemented in the area of the Ward Sabha;
 - (c) to identify weaker section of the beneficiaries in order of priority, for the implementation of development schemes pertaining to the area of Ward Sabha;
 - (d) to render assistance in effective implementation of development scheme;
 - (e) to suggest the location of public utilities, amenities and services like street lights, community water taps, public wells, public sanitation units, irrigation facilities etc.;
 - (f) to formulate schemes and imparting awareness on matters of public interest like cleanliness, preservation of environment, prevention of pollution, guarding against social evils etc;
 - (g) to promote harmony and unity among various groups of people;
 - (h) to verify the eligibility of persons getting various kinds of welfare assistance from State Government such as pensions and subsidies;
 - (i) to obtain information on the detailed estimates of works proposed to be taken in the area of the Ward Sabha; exercise social audit in all works implemented in the area of the Ward Sabha and awarding utilization and completion certificate for such works;
 - (j) to obtain information from the officials concerned as to the services they will render and the works they propose to do in the area of the Ward Sabha;
 - (k) to assist the activities of parent-teacher associations in the area;
 - (l) to promote literacy, education, health, child care and nutrition;
 - (m) to monitor and render assistance to the beneficiary communities engaged in the developmental activities within the area of the Gram Panchayat;

- (n) to ascertain the rationale behind every decision taken by the Gram Panchayat regarding the area of the Ward Sabha;
- (o) to ascertain the follow up action taken on the decisions of the Ward Sabha and the detailed reasons for not implementing any of the decisions;
- (p) to co-operate with the employees of the Gram Panchayats in the sanitation processes and rendering voluntary service for the removal of garbage;
- (q) to find out the deficiencies in the arrangements for water supply, street lighting etc. within the area of the Ward Sabha and to suggest remedial measures;
- (r) to assist the public health activities especially the prevention of diseases and family welfare, within the area of the Ward Sabha;
- (s) to perform such other functions as may be prescribed from time to time".
4. Throughout the Principal Act, unless otherwise expressly provided, for the word "Most Backward Classes and the Other Backward Classes", wherever this occur, the word "Other Backward Classes (Centre) and the Other Backward Classes (State)" shall be substituted.
5. In the Principal Act, in section 13 after sub-section 7, the following proviso shall be inserted, namely:-
 "Provided that the Office of the District Collector of respective District will issue Other Backward Classes (Centre) and Other Backward Classes (State) certificate for the purpose above only."
6. In the Principal Act, in section 16 :-
- (1) clause (g) shall be omitted;
- (2) for clause (i), the following clause shall be substituted namely:- "(i) if he has been convicted by the Court of an offence involving moral turpitude or has been sentenced to imprisonment for a term exceeding six months for any other offence".
7. In the Principal Act, after section 16, the following new section shall be inserted namely:-"
- 16A. Self-Disclosure of Assets:**
- (1) A member of the Panchayat shall, within 3 (three) months from the date of assuming office, file a statement of assets / liabilities of himself and of the members of his family, in the form prescribed before the competent authority authorized in behalf by the State Government by notification in the Official Gazette:
- Provided that, a person who is a member of the Panchayat at the commencement of this Act shall submit such a statement to the Competent authority before the date specified by the Government to this effect.

- (2) Where a member of the Panchayat who filed a statement under sub-section (1) acquires any asset in his name or that of other members of his family or disposes or creates any liability thereafter on the assets specified in the statement, he shall file a statement in this regard to the Competent Authority within 3 (three) months from the date of such acquisition or disposal or creation of liability, as the case may be.
- (3) Any member of the Panchayat who makes a statement under sub-section (1) or sub-section (2) which is false and which he knows or believes to be false or does not believe to be true shall be liable to be proceeded against in accordance with law, for filing such false statement.
- (4) Where a member of the Panchayat fails to file such a statement to the Competent Authority within the date specified under sub-section (1) and sub-section (2), action shall be taken to disqualify him from continuing as member of the Panchayat under Section 16.

Explanation 1. – For the purpose of this section “family” of a member of the Panchayat means spouse of that member and his parents, unmarried sisters and children who are dependent on him.

Explanation 2. – For the purpose of this section “asset” means all immovable properties and movable properties worth not less than Rupees ten thousand”.

Amendment of section 23

- 8. In the Principal Act, in section 23 :-
- (i) for the existing marginal heading, the following shall be substituted namely:- “Powers, Functions and duties of Sabhapati and Up-Sabhapati”.
- (ii) for section 23 and the entries relating thereto, the following shall be substituted, namely :-
- "23. (1) Save as otherwise expressly provided by or under this Act, the executive power for the purpose of carrying out the provisions of this Act and the resolution passed by a Panchayat shall vest in the Sabhapati thereof who shall be directly responsible for the due fulfillment of the duties imposed upon the Panchayat by or under this Act.
- (2) When the office of the Sabhapati is vacant, the Up-Sabhapati shall exercise the functions of the Chairperson until a new Chairperson assumes office.
- (3) If the Sabhapati of the Panchayat is continuously absent from territorial limit of the Panchayat for more than fifteen days or is incapacitated for any reason, the functions of Sabhapati, during such absence or incapacity shall, except in such circumstances as may be prescribed, vest on the Up-Sabhapati of that Panchayat.

(4) Where the offices of both the Sabhapati and Up-Sabhapati are vacant, the Chairperson of the Standing Committee in the order mentioned in sub-section (1) of Section 134, shall perform the functions of the Sabhapati of the Panchayat till a new Sabhapati or Up-Sabhapati of the Panchayat assumes office and where there is no Sabhapati or Up-Sabhapati of the Panchayat or Chairperson of Standing Committee to hold the office of the Chairperson, the eldest among the elected members shall perform the functions of the Sabhapati of the Panchayat until the Sabhapati or Up-Sabhapati of the Panchayat or Chairperson of any Standing Committee assumes office.

Explanation – The word “senior-most” within the meaning of this sub-section means the person who has been continuously holding the membership of the Panchayat for the maximum period. If more than one person become senior-most within the meaning of this Explanation, in the event, the person oldest in age among them will be the senior-most.

- (5) Without prejudice to the generality of the foregoing provisions, the Sabhapati of the Panchayat shall,
 - (a) preside over and regulate the meetings of the Panchayat and Gram Sabha of which he is the Sabhapati;
 - (b) to exercise supervision and control over the acts done and actions taken by all officers and employees of the Panchayat;
 - (c) incur contingent expenditure up to such limit as may be fixed by the State Government from time to time;
 - (d) authorize payment and refunds pertaining to the Panchayat;
 - (f) to prepare all statements and reports required by or under this Act;
 - (g) exercise such other powers and discharge such other functions as may be conferred or imposed upon him by this Act or rules made there under.
- (6) The Sabhapati may, in case of an emergency, direct the execution of any work or the doing of any act which requires the sanction of the Panchayat, and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public and may direct that the expenses of executing such work or doing such act shall be paid from the funds of the Panchayat:

Provided that,

- (a) he shall not act under this sub-section in contravention of any decision of the Panchayat prohibiting the execution of any particular work or the doing of any particular act;
- (b) he shall report the action taken under this sub-section and the reason thereof to the Panchayat at its next meeting and obtain its approval thereof.

- (7) The Sabhapati of the Panchayat shall also have the following powers :-
- (a) to ensure the attendance of the employees under the control of the Panchayat including the employees of the State Government transferred to the Panchayat in the meetings of the Panchayat;
 - (b) to report against if necessary, any employee or officer under the control of the Panchayat and State Government Officers in the Gazetted rank who are transferred to the service of the Panchayat, when disciplinary proceedings are to be taken against them for dereliction of duty or insubordination or for violation of rules or standing orders to the Prescribed Authority.
 - (c) to refer immediately to the State Government any resolution passed by the Panchayat, which, in his opinion has not been passed in accordance with law or is in excess of power conferred by this Act, or any other law or if carried out, is likely to endanger human life, health or public safety".

Amendment
of section 24

9. In the Principal Act, in section 24 :-

- (1) clauses(a) and (b) shall be omitted;
- (2) clause (c) shall be re-lettered as clause (a).

10. In the Principal Act, after section 27, the following new section 27A shall be inserted, namely :-

"27 A. The manner of removal of Sabhapati and Up-Sabhapati".

- (1) Every Sabhapati or Up-Sabhapati of Gram Panchayat shall forthwith be deemed to have vacated his office if he is removed through a simple majority of the total number of the members constituting the Gram Panchayat in accordance with the procedure, as may be prescribed:

Provide that no such process of removal shall be initiated unless a notice is signed by not less than one-third of the total number of the members of the Gram Panchayat in accordance with the procedure as may be prescribed.

- (2) If such Sabhapati or Up-Sabhapati, as case may be, desires to challenge the validity of the act of removing him under the foregoing sub-section, he shall within 7 (seven) days from the date on which he is deemed to have vacated the office, refer the dispute to the Collector who shall decide within 30 (Thirty) days from the date of receipt of such reference and his decision shall be final.

- (3) If a motion for removal under sub-section (1) of this section is not carried by the majority of the total number of the Gram Panchayat or the meeting cannot be held for want of quorum, no notice of any subsequent motion of removal of the same office bearer shall be taken into cognizance within a period of 1 (one) year from the date appointed for such meeting.

- “
- (4) Notwithstanding anything contained in sub-section (1) of this section, no meeting for removal of Sabhapati or Up-Sabhapati under this section shall be convened within a period of 2 (two) years from the date of election of the Sabhapati or the Up-Sabhapati at the first meeting following reconstitution of the Gram Panchayat for filling casual vacancy in the said office”.
- Amendment of section 29**
11. In the Principal Act, in section 29:-
- (i) after clause (d), the following clause shall be inserted namely:-
 - (e) any member of Gram Panchayat being a member of any political party, if ceases to be the member of that political party, shall cease to be the member of Gram Panchayat from the same day he ceases to be the member of that political party”.
 - (ii) sub-section “(4)” shall be omitted;
- Amendment of section 31.**
12. In the Principal Act, for section 31 and the entries relating thereto, the following shall be substituted, namely:-
- (1) There shall be a Sachiva for a Gram Panchayat appointed by the State Government on such terms and conditions as may be prescribed.
 - (2) The Sachiva shall have authority to supervise all records of every Gram Panchayat falling under the jurisdiction of the Gram Panchayat.
 - (3) The Sachiva shall be in charge of the Gram Panchayat and shall discharge such duties and perform such functions as may be prescribed”.
- Omission of section 32 & 33**
13. In the Principal Act, section 32 and 33 shall be omitted.
- Amendment of section 34**
14. In the Principal Act, in section 34 :-
- (1) after clause (u), the following clause will be inserted:-
“(v) Nobody will be permitted to make any construction / building on his land within the territorial limit of the Gram Panchayat unless the proposed plan of such construction/ building is sanctioned by the Panchayat Authority:
Provided that if such proposed construction is near a forest area, the Panchayat Authority, before approving such sanction, shall be satisfied that a certificate has been given by the Competent Authority under the Sikkim Forest Water Courses, Road Reserved, Preservation and Protection Act, 1988 certifying that the proposed construction does not fall within the Forest Area.
 - (2) the existing clause (v) shall be re-lettered as clause (w)
- Amendment of section 35**
15. In the Principal Act, in section 35, after the sub-section (3), the following sub-section shall be inserted, namely:-

Insertion of new sections 39 A and 39 B

"(4) The Gram Panchayat shall be endowed with the regulatory function of recording births and deaths taken place within their territorial limit and such information shall be communicated to the concerned authority immediately by the concerned near relations of the newly born or the deceased as the case may be".

16. In the Principal Act, after section 39, the following new sections shall be inserted, namely:-

"39 A. Transfer of Funds to the Panchayat :-

The State Government shall release funds to the Panchayats in such a manner that these institutions get adequate time to use the allocation during the year itself. The fund release could be in the form of equally spaced installments. It could be done in two installments, one at the beginning of the financial year and the other by the end of September of that year.

39 B. Grants and Shares of Taxes.-

- (1) The State Government shall having regard to the recommendation, if any, of the Finance Commission, in each year, after due appropriation made by the State Legislature by law in this behalf, make such grants and shares of various taxes, duties, cess and fees as are necessary to the Panchayats for the proper discharge of their functions under this Act.
- (2) The shares of taxes collected by the State Government shall be distributed among Panchayats at all levels in an equitable manner according to the formula fixed by the State Government to this effect".

17. In the Principal Act, in section 48, for sub-section (3) the following shall be substituted, namely :-

"(3) The Directorate of Local Fund Audit, Finance Revenue and Expenditure Department, Government of Sikkim shall audit the accounts of Gram Panchayat/Zilla Panchayat/District Planning Committee, as soon as may be after the end of each financial year in the manner provided under the Sikkim Local Fund Audit Act, 2012, and submit the Annual Audit Report for placing it before State Legislature.

Whereas, the Comptroller and Auditor General of India shall provide Technical Guidance and Supervision (TG & S) over the audit of the Gram Panchayat and submit its Annual Technical Inspection Report for placing it before State Legislature".

18. In the principal Act, after section 48, the following section shall be inserted, namely :-

"48 A. Liabilities of Sabhapati, Up-Sabhapati and Member of Gram Panchayats .-

- (1) Every member of a Panchayat including the Sabhapati and Up-Sabhapati thereof shall be liable to the Panchayat of which they

Insertion of new section 48 A

are members or, as the case may be, Sabhapati and Up-Sabhapati, for the loss, waste or misappropriation of any money or other property belonging to such a Panchayat as direct consequence of his neglect or misconduct while in office.

- (2) If on appearance the member or, as the case may be, the Sabhapati and Up-Sabhapati admits his liability and its amount, the Prescribed Authority shall pass an order for the recovery of the amount of each liability from such member or, as the case may be, such as Sabhapati and Up-Sabhapati.
- (3) If the member or, as the case may be, the Sabhapati and Up-Sabhapati disputes their liabilities or its extent, the Prescribed Authority after recording evidence in support of the allegations and after giving the concerned office-bearer opportunity to cross-examine the witness and to adduce evidence in defense shall, by order, determine the extent and amount of liability of such office-bearer for such waste or misappropriation of money or property".

Amendment of section 50

19. In the Principal Act, after sub-section (4) of section 50, the following proviso shall be inserted, namely :-

"Provided that Office of the District Collector of respective District will issue Other Backward Classes (Centre) and Other Backward Classes (State) certificate for the above purpose only"

Amendment of section 60

20. In the Principal Act, the existing section 60 shall be renumbered as sub-section (1) of that section, after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :-

"(2) The provision of Section 23 relating to Power, Function and Duties of Sabhapati and Up-Sabhapati of Gram Panchayat shall mutatis-mutandis be applicable to the Adhakshya and Up-Adhakshya".

Omission of section 61

21. In the Principal Act, section 61 shall be omitted.

Amendment of section 66

22. In the Principal Act, in section 66 , -

(i) after clause (d), the following clause shall be inserted namely :-

"(e) any member of Zilla Panchayat being a member of any political party, if he ceases to be the member of that political party, shall cease to be the member of Zilla Panchayat from the same day he ceases to be the member of that political party".

(ii) sub-section "(5)" shall be omitted".

Insertion of new section 66 A

23. In the Principal Act, after section 66, the following section shall be inserted, namely :-

"66 A. Recalling of Adhakshya or Up-Adhakshya or Member of Zilla Panchayat :-

The provision of section 27 A relating to Recalling of Sabhapati or Up-Sabhapati or Member of Gram Panchayat shall mutatis-

Insertion of new sections 76 A and 76 B

mutandis be applicable to the Adhakshya or Up-Adhakshya or Member of Zilla Panchayat".

24. In the Principal Act, after section 76, the following new sections shall be inserted namely:-

"76 A. Transfer of Funds to the Panchayat.-

The State Government should release funds to the Panchayats in such a manner that these institutions get adequate time to use the allocation during the year itself. The fund release could be in the form of equally spaced installments. It could be done in two installments; one at the beginning of the financial year and the other by the end of September of that year.

76 B. Grants and Shares of Taxes.-

- (1) The State Government shall having regard to the recommendation, if any, of the Finance Commission, in each year, after due appropriation made by the State Legislature by law in this behalf, make such grants and shares of various taxes, duties, cess and fees as are necessary to the Panchayats for the proper discharge of their functions under this Act.
- (2) The shares of taxes collected by the State Government shall be distributed among Panchayats at all levels in an equitable manner according to the formula fixed by the State Government in this behalf".

Insertion of new section 85 A

25. In the Principal Act, after section 85, the following new section shall be inserted namely:-

"85 A. Liabilities of Sabhapati, Sachiva and Member of Zilla Panchayats :-

The provision of Section 48 A relating to Liabilities of Sabhapati or Sachiva or Member of Gram Panchayat shall mutatis-mutandis be applicable to the Adhakshya or Up-Adhakshya or Member of Zilla Panchayat".

Amendment of section 86

26. In the Principal Act, in the section 86, for the words"and sub-section (3)" the words "in a manner provided in sub-section (3)" shall be substituted.

Insertion of new section 123 A

27. In the Principal Act, after section 123, the following section shall be inserted namely:-

"123A. Pool of experts and specialists.- A pool of experts and specialists (e.g. Engineers, Planner, Accountants etc.) may be maintained by State Government or District Panchayat. This common pool could be then accessed by the Panchayats whenever required for specific tasks on payment".

Amendment of section 127

28. In the Principal Act, in section 127:-

- (i) in the marginal heading the word after "Constitution" and before the word "of" the words "Function" shall be inserted.

(ii) for section 127 and the entries relating thereto, the following shall be substituted, namely:-

"127. (1) The State Government shall constitute District Planning Committees (District Planning Committees) in every District within three months of completion of elections to Panchayats. The District Planning Committee shall have a planning office with a full time District Planning Officer. The District Planning Committees shall be constituted to consolidate the plans prepared by the Panchayats and the Municipalities in the District and to prepare a draft development plan for the District as a whole.

EXPLANATION – DPO means any substantive officer appointed by the State Government trained and monitored by the DPER & NECA Department.

(2) The District Planning Committee shall consist of such number of members as may be specified by the State Government from time to time by Notification in the Official Gazette and in so fixing the total number of members of the District Planning Committee, the State Government shall specify the number respectively of the nominated members and elected members:

Provided that not less than four-fifth of the total number of members of the District Planning Committee shall be elected by and from amongst, the elected members of the District Panchayat and the Municipalities in the District in proportion to the ratio between the population of the rural and urban area in the District.

(3) the nominated members may consist of :-

(a) persons representing the State Government;

(b) members of the Legislative Assembly who represent a constituency comprising the whole or part of the District.

(c) members representing such organizations and institutions as may be deemed necessary by the State Government.

(4) The District Planning Committee shall have-

a) such functions relating to District planning as may be assigned to it by the State Government;

(b) such powers as may be conferred on it by the State Government.

(5) The Chairperson of the District Planning Committee shall be the Chairperson of the District Panchayat concerned.

(6) Every District Planning Committee shall, in preparing the draft development plan, have regard to-

(i) Matters of common interest between the Panchayat and the Municipalities including spatial planning, sharing of water

- and other physical and natural resources, the integrated development of the infrastructure and environmental conservation;
- (ii) The extent and type of available resources whether financial or otherwise, and
 - (iii) Consult such institutions and organizations as the State Government may by order, specify.
- (7) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by the District Planning Committee, to the State Government.
- (8) There shall be a planning office headed by the District Planning Officer to assist the District Planning Committee.
- The appointment of the staff and officers of the planning office shall be made according to the rules made by the State Government".
29. In the Principal Act, after section 132, the following section shall be inserted, namely:-
- "133 - Powers and responsibilities of police in respect of offences and assistance to the Panchayats.-**
- Every police officer posted within the territorial limit of the Panchayat shall give immediate information to the Panchayat of an offence coming to his knowledge which has been committed under this Act or any rule or by-law made thereunder and shall assist all the members, officers and servants of the Panchayat in the exercise of their lawful authority".
- CHAPTER XIII**
30. In the Principal Act, after section 133, the following new sections shall be inserted, namely:-
1. **"134. Standing Committees of Panchayats.-**
- (1) In every Panchayat at all levels Sectoral Standing Committees as stated below shall be constituted:
 - (a) Standing Committee for Finance.
 - (b) Standing Committee for Economic Development and Planning.
 - (c) Standing Committee for Welfare and Social Justice.
 - (d) Standing Committee for Health, Nutrition, Sanitation and Drinking water.
 - (e) Standing Committee for Education and Skill Development.
 - (f) Standing Committee for Agriculture, Forestry, Watershed and Allied Activities.
 - (2) In the District Panchayat a Standing Committee for Public Works shall also be constituted.

Insertion of new
Chapter XIII -
Standing Committees
and Insertion of new
sections.

- (3) Every Standing Committee shall consist of such number of members, including its Adhakshya or Sabhapati, as decided by the Panchayat, so that all elected members except the Adhakshya and Up-Adhakshya or Sabhapati and Up-Sabhapati shall be members in one of the Standing Committees and the number of members to each Standing Committee shall, as far as possible, be equal.
- (4) The number of members of each Standing Committee as decided by the Panchayat under sub-section (2) shall not be changed within the term of that Panchayat.
- (5) In every Standing Committee there shall be members appointed in accordance with the procedure prescribed by the Panchayat itself. No Panchayat representative shall be a member of more than one Standing Committee at a time.
- (6) The Chairperson of every Standing Committee, except the Standing Committee for Finance, shall be elected by the members of the respective Standing Committee from among themselves.
- (7) The Up-Adhakshya or Up-Sabhapati of Panchayat shall be an ex-officio member and Chairperson of the Standing Committee for Finance and the Sabhapati of Panchayat shall be an ex-officio member of all Standing Committees without the right to vote.
- (8) A member other than an ex-officio member of a Standing Committee and the Chairperson of a Standing Committee other than the Standing Committee for Finance may resign the membership or Chairmanship of a Standing Committee, as the case may be by tendering resignation to the Sachiva of the Panchayat in the prescribed form and the resignation shall take effect from the date on which it was received by the Sachiva and the Sachiva shall inform the Chairperson and the Panchayat immediately of the fact.
- (9) The person who intends to resign from the membership or Chairmanship of the Standing Committee shall personally present such resignation letter to the Secretary who shall acknowledge the receipt of the same.
- (10) Except as otherwise provided in this Act, the term of the Chairperson of a Standing Committee or its members shall co-exists with the term of that Panchayat.
- (11) An election to fill up a casual vacancy of a member of a Standing Committee shall be conducted within thirty days of the occurrence of that vacancy:
- Provided that where the vacancy in a Standing Committee could not be filled due to the vacancy of a member of Panchayat, the vacancy of Standing Committee shall be filled up within thirty days from the date of filling up of the vacancy of the member of Panchayat.

- (12) If a casual vacancy of the Chairperson of a Standing Committee other than the Standing Committee for Finance arises, one of its members shall be elected as its Chairperson in the next meeting of the Standing Committee.
- (13) A motion of no-confidence against the Chairperson of the Standing Committee other than the Standing Committee for Finance may be moved subject to the prescribed provisions and procedures and if such a motion is passed with the support of not less than the majority of the members of the Standing Committee, the Chairperson of that Standing Committee shall cease to hold office and shall be deemed to have vacated the office of the Chairperson of the Standing Committee immediately".

"135. Meetings of Standing Committees.-

In regard to conduct of business at its meetings, a Standing Committee will follow such procedure as may be prescribed".

"136. Subject to be dealt with by the Standing Committees.-

- (1) The following subjects shall be dealt with by the Standing Committees of the Panchayat:
 - (a) In a Gram Panchayat, -
 - (i) The Standing Committee for Finance shall deal with the subjects of finance, tax, accounts, audit, budget, general administration, appeals relating to tax and subjects not allotted to other Standing Committees;
 - (ii) The Standing Committee for Economic Development shall deal with the subjects of development planning, socio-economic planning, spatial planning, small-scale industry, housing, regulation of building construction, electricity, poverty alleviation programmes, slum improvement, food security including the public distribution system, markets etc;
 - (iii) The Standing Committee for Welfare and Social Justice shall deal with the subjects of economic, social, educational, cultural and other interests of Scheduled Caste-Scheduled Tribe, protection of such castes and classes from social injustice and any form of exploitation, development of women and children, social welfare, social security etc.
 - (iv) The Standing Committee for Health, Nutrition, Sanitation and Drinking Water shall deal with the subjects of public health, social hygiene, public works, sanitation, water supply, sewerage, environment etc;
 - (v) The Standing Committee for Education and Skill Development shall deal with the subjects of education, art & culture and entertainment;
 - (vi) The Standing Committee for Agriculture, Forestry, Watershed and Allied Activities shall deal with the subjects of agriculture,

soil conservation, social forestry, animal husbandry, diary development, minor irrigation, fisheries, and other matters connected with development of agriculture and live-stock.

- (b) In the District Panchayat, -
 - (i) The Standing Committee for Finance shall deal with the subjects like finance, accounts, audit, budget, general administration and subjects not allotted to other standing committee;
 - (ii) The Standing Committee for Economic Development and Planning shall deal with the subjects like development planning, socio-economic planning, small scale industry, etc.
 - (iii) The Standing Committee for Public Works shall deal with the subjects like public works, housing, spatial planning and environment;
 - (iv) The Standing Committee for Health, Nutrition, Sanitation and Drinking Water shall deal with subjects like public health, rural water supply, sanitation and allied subjects.
 - (v) The Standing Committee for Education and Skill Development shall deal with subjects like education;
 - (vi) The Standing Committee for Welfare shall deal with subjects like social welfare, development of women and children and development of scheduled caste-scheduled tribe;
 - (vii) The Standing Committee for Agriculture, Forestry, Watershed and Allied Activities shall deal with the subjects like agriculture, soil conservation, animal husbandry, minor irrigation, fisheries and allied subjects.
- (2) The Standing Committees of the Panchayat may perform such other functions as may be entrusted to them by the Panchayat in addition to the powers and duties conferred on them by rules made in this behalf.
- (3) Every resolution passed by the Standing Committee shall be placed before the Panchayat in its next meeting and the Panchayat shall have power to modify such resolutions if considered necessary.
- (4) Experts in relevant subject matter shall be invited to attend the meetings of the respective Standing Committee and render necessary assistance to the committee in the discharge of its functions".

"137. Power to call for records from standing Committees.-

A Panchayat may at any time call for any document including extracts from the proceedings of the meetings of any Standing Committee any return, account statement or report concerning or connected with any matter with which such Standing Committee has been authorized or directed to deal, and every such requisition shall be complied with by the Standing Committee".

"138. Power to revise decisions of Standing Committees.-

- (1) A Panchayat may, on application made to it or otherwise, examine the record of any decision of any of its Standing Committees and may confirm, reverse or modify such decision:
Provided that no action under this sub-section shall be initiated after the expiry of three months from the date of the decision sought to be revised.
- (2) The order of the Panchayat under sub-section (1) reversing or modifying a decision of its Standing Committee must be supported by a majority of the total number of its members, failing which the decision of the Standing Committee shall stand".

**Jagat B. Rai (SSJS)
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